

23 September 2015

Environment and Housing Management Committee

Town Police Clauses Act 1847 - Temporary Road Closure Policy

Report of: Ashley Culverwell – Head of Borough Health Safety and Localism

Wards Affected: All

This report is: Public

1. Executive Summary

1.1 Under section 21 the Town Police Clauses Act 1847, the Council are requested from time to time to issue an order for a temporary road closure. This report seeks agreement from Members to the implementation of a Road Closure Policy ('the Policy'), which will ensure applicants are aware of their responsibilities when organising and implementing any closure and that all relevant safety precautions are considered and properly addressed.

2. Recommendation(s)

2.1 That the Road Closure Policy including the charging structure as attached at Appendix A be approved; and

2.2 That delegated authority is granted to the Head of Health Safety and Localism and to any officers authorised by him, to issue Road Closure Orders in accordance with the approved Policy; and

2.3 That delegated authority is granted to head of Health Safety and Localism in consultation with the Chair of the relevant Committee to make minor amendments to the policy, if required in the interests of public safety.

3. Introduction and Background

- 3.1 The Town Police Clauses Act 1847 (the Act) makes a number of provisions relating to the policing and other relevant matters relating to the regulation of Towns.
- 3.2 The Act covers a wide range of topics, including obstructions, matters relating to nuisance, Hackney Carriage Licensing and regulations pertaining to places of public resort.
- 3.3 Powers to prevent obstructions in streets during public processions and other events where a large contingent of members of the public is expected are provided under section 21 of the Act, which states:

“The commissioners may from time to time make orders for the route to be observed by all carts, carriages, horses and persons, for preventing obstruction of streets within the limits of the special Act, in all times of public processions, rejoicings or illuminations and in any case where the streets are thronged or liable to be obstructed ... “
- 3.4 Traditionally this has been a matter that has been enacted by the Highways Authority. However, Essex County Council has recently had a change of policy and no longer issue Road Closure permits for the type of events that can be facilitated by the Borough Council. Therefore, if this function is to be maintained for Community based and other public events all such closure orders will in future need to be issued by the Council.
- 3.5 Whilst powers exist under the Road Traffic Regulation Act 1984, for closure orders to be made, this is a method that is available only to the County Council as the traffic authority and is a far more costly and convoluted method. Therefore, the closing of roads for very short term events (usually a few hours to a maximum of a day) will be administered by the Licensing Team subject to agreement of Members of this Committee to the Policy attached as Appendix A.

4. Issues Options and Analysis of Options

- 4.1 From time to time requests are received from event organisers for a closure of one or more roads for a short period of time, usually no more than a day. These closures are often required in order to protect the public and any event participants from being harmed by traffic or causing a danger to the safe conduct of traffic whilst the event is in progress.
- 4.2 In most cases events are organised and risk assessed in advance and where necessary these are discussed at a meeting of the Safety Advisory Group (SAG). Discussion at SAG meetings will include a discussion around the safety of any road closures but the SAG does not take on the responsibility for health and safety matters from the event organisers who remain entirely responsible for the verification of the adequacy of their health and safety assessments and implementation and compliance with health and safety measures.
- 4.3 The Council cannot take on responsibility for the physical closing of any roads, the policing and marshalling of any closure or the safe conduct of the closure whilst the event takes place. This is made clear in the Policy and when making an application the organiser agrees that they understand the responsibilities and assumes full responsibility for event safety.
- 4.4 Notwithstanding the fact that full responsibility lies with the applicant, various departments within the Council as well as a number of external partners such as the police, Essex, County Council Highways and other emergency services, will make suggestions through SAG, where appropriate and would have the ability to object to a closure order being made should it not be deemed to be safe.
- 4.5 The applicant is expected to consult with various authorities and to advise transport providers, emergency services and residents of the application, which road(s) will be affected and the date(s) and time(s) of the closure.

- 4.6 Fees have been calculated to be as realistic as possible taking into account the volume of work to be undertaken by the Council in issuing a closure order, whilst ensuring that the fees are not too restrictive. Even at the highest rate (which assumes at least one meeting of SAG) the fees are substantially lower than the cost of making an order under the Road Traffic Regulation Act 1984 as previously administered by Essex County council.
- 4.7 The fees have been set based on estimated costs and will be kept under review and revised as appropriate to ensure that they remain realistic in terms of the resources that are used to facilitate any closure, whilst attempting to ensure that they are realistic with regard to the costs associated with running a particular event.

5. Reason for Recommendations

- 5.1 It is essential that event organisers when closing roads do so in a safe, secure and legitimate manner, ensuring the safety of public when attending the event as well as those circumventing the event whether on foot or on road.
- 5.2 A consistent and transparent policy is required to ensure that the process is fully understood, that applicants and event organisers will know their roles and responsibilities and that the process involved is organised so as to ensure public safety.
- 5.3 As Essex County Council no longer administer this role, this Council needs to step in to enable the community to benefit from events that may involve a road closure and to ensure that applicants undertake such closures in a safe manner.

6.0 References to Corporate Plan

- 6.1 The proposals contained within this report link directly to the following priorities of the Corporate Plan:

A prosperous Borough –

“Safeguarding public safety through a risk based regulation and licensing service.”

Street Scene and Environment –

“Develop effective partnership arrangements so all issues affecting neighbourhoods are delivered in a timely and efficient way”

Localism –

Encourage local businesses to invest directly in Brentwood’s communities”

7. Consultation

- 7.1 Consultation will take place as part of the process of any application for a road closure. This will involve advance notices at the closure site a minimum of two weeks in advance of the closure, specific notification of the application to any residents directly affected by the closure, notification to the Police and other emergency services and notification to bus and taxi companies.
- 7.2 All consultation requirements as highlighted in paragraph 7.1 (above) will be the direct responsibility of the applicant, although they will be required as contained in the proposed policy, to provide evidence that these requirements have been carried out.
- 7.3 In addition, the application will be published on the Council website.

8. Implications

Financial Implications

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- 8.1 The fees have been calculated to ensure the costs to the Council of providing this service are recovered.

Legal Implications

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- 8.2 The Policy will provide a framework to ensure that all matters relating to safety and marshalling of an event may be fully considered prior to the granting of any closure order. It will ensure that applicants are fully aware of their responsibilities and will provide opportunity for responsible authorities to assess any application, make recommendations where appropriate or, in some cases refuse an application in the interests of public safety.
- 8.3 The Council has a discretion to impose charges under section 93 of the Local Government Act 2003 as the Council is authorised but not required to provide the service, there is no charging provision in the 1847 Act itself, there is no express prohibition on charging, and an applicant will have agreed to the provision of the service i.e. the road closure.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 Applicants as part of the process are required to undertake risk assessments, identify and apply adequate control measures to ensure public safety. Similarly these need to provide contingency measures to minimise public inconvenience.

9. Appendices to this report

Appendix A – Road Closure Policy

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